

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 YEMISI AKINYEMI,

6 PLAINTIFF,

7 -against-

8 Case No.
9 07-CV-4048 (CM) (AJP)

10 MICHAEL CHERTOFF, Secretary, Department of
11 Homeland Security,

12 DEFENDANT.
13 -----X

14 DATE: November 6, 2007

15 TIME: 11:34 a.m.

16 EXAMINATION BEFORE TRIAL of the
17 Defendant, Department of Homeland Security, by
18 GREGORY JON JURCZAK, taken by the Plaintiff,
19 pursuant to a Notice and to the Federal Rules
20 of Civil Procedure, held at the U.S. Attorney's
21 Office, 86 Chambers Street, 3rd Floor, New York
22 New York 10007, before a Notary Public of the
23 State of New York.
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2 A P P E A R A N C E S:

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4 LAW OFFICES OF K.C. OKOLI, P.C.
Attorney for the Plaintiff
5 330 Seventh Avenue
15th Floor
6 New York, New York 10001
BY: KENECHUKWU CHUDI OKOLI, ESQ.

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9 UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF NEW YORK
10 Attorney for the Defendant
86 Chambers Street
11 3rd Floor
New York, New York 10007
12 BY: JOHN DALTON CLOPPER, ESQ.
Assistant United States Attorney

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14

15 ALSO PRESENT:
CYNTHIA J. PREE, ESQ., Assistant
16 Counsel, U.S. Customs and Border
Protection, U.S. Department of Homeland
17 Security

18 DAVID B. BUNA, ESQ., Associate Legal
Advisor, Commercial and Administrative
19 Law Division, Immigration and Customs
Enforcement Principal Legal Advisors
20 Office, U.S. Department of Homeland
Security

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1 G. J. JURCZAK

2 G R E G O R Y J O N J U R C Z A K,
3 called as a witness, having been first
4 duly sworn by a Notary Public of the
5 State of New York, was examined and
6 testified as follows:

7 EXAMINATION BY

8 MR. OKOLI:

9 Q. Please state your name for the
10 record.

11 A. Gregory Jon Jurczak.

12 Q. What is your address?

13 A. 601 West 26th Street, Suite 700,
14 New York, New York 10001.

15 Q. My name is K.C. Okoli. I represent
16 the plaintiff in this lawsuit. I will ask you
17 some questions in connection with this lawsuit.
18 All I ask is for your best recollection. If I
19 ask a question and you don't understand, say
20 that you don't understand.

21 I will also ask you to be patient,
22 wait until I finish with the question before
23 you begin to answer. The simple reason for
24 that is that we want to make sure we get the
25 responses on the record. I will also not barge

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2 in until you finish your answer for the same
3 reason I just stated. If I ask a question and
4 you respond, I will assume that you fully
5 understood the question; clear so far?

6 A. Understood.

7 Q. You must also verbalize all your
8 answers. It is yes or no or I don't recall or
9 whichever way you wish to respond. No shakes
10 or nods of the head. If during the course of
11 the deposition you wish to take a break or if
12 you wish to consult with counsel or for any
13 other reason, you can call for a break. We
14 will make a record of it.

15 The address you just gave, is that
16 your work address?

17 A. It is.

18 Q. Who do you work for?

19 A. Immigration and Customs
20 Enforcement.

21 MR. OKOLI: Counsel, I just need to
22 be clear on this. Are you going to
23 accept the Subpoena on behalf of the
24 witness should this matter come to
25 trial?

1 G. J. JURCZAK

2 MR. CLOPPER: Yes.

3 Q. What's your place of birth, where
4 were you born?

5 A. Orange, New Jersey.

6 Q. For how long have you been employed
7 by your current employer?

8 A. Since approximately May of 2006.

9 Q. Prior to your present employer, who
10 were you employed by?

11 A. Customs and Border Protection.

12 Q. For what time period were you
13 employed by Customs and Border Protection? I
14 will call it CBP for short.

15 A. From its inception. I don't know
16 the exact date. From its creation as an
17 agency.

18 Q. When was the last time you worked
19 for the CBP?

20 A. Approximately May of 2006.

21 Q. Prior to the creation of CBP, did
22 you work with a predecessor organization of
23 CBP?

24 A. Yes.

25 Q. Which organization did you work

1 G. J. JURCZAK

2 for?

3 A. Immigration and Naturalization
4 Service.

5 Q. When did you first become employed
6 by the INS?

7 A. It was either June or July of 2001.

8 Q. Was the INS the first Federal
9 agency that you worked for?

10 A. Yes. I am sorry, sir, I need to
11 amend that. I did internships at Federal
12 agencies. I don't know if you would classify
13 that as work.

14 Q. Regular employment?

15 A. Paid work, yes.

16 Q. What's your current job title?

17 A. Special Agent.

18 Q. For the record, what's your race?

19 A. Caucasian.

20 Q. What's your highest level of
21 education?

22 A. College. Bachelor's degree.

23 Q. What year did you obtain this
24 Bachelor's degree?

25 A. Completed study in 1998. Maybe it

1 G. J. JURCZAK

2 was 1997.

3 Q. I note that you said completed
4 studies. What was the year of graduation?

5 A. I think it was 1998. I think when
6 the paperwork came through it was 1998. I am
7 not sure. I don't recall when my last semester
8 was, whether it ended in the calendar year of
9 1997. I don't know what year my diploma says,
10 whether it is 1997 or 1998.

11 Q. During the time you worked for the
12 CBP what title did you hold?

13 A. Customs and Border Protection
14 Officer.

15 Q. And as a Customs and Border
16 Protection Officer, what were your duties?

17 A. I had various duties. Inbound
18 inspections, outbound inspections. A Customs
19 and Border Protection Officer was a derivative
20 of the inspector position, but they renamed the
21 job title. But you were doing the same type
22 work, inspectional work.

23 Q. What does inspection mean?

24 A. Primarily inspecting people and
25 things when they come in or depart the United

1 G. J. JURCZAK

2 States.

3 Q. When you say inspect people and
4 things, could you be more elaborate about what
5 that is?

6 A. To determine a person's
7 admissibility into the United States, to
8 ascertain citizenship, to obtain removability.
9 I think there was a second part of your
10 question, counselor, but I don't remember what
11 it was.

12 MR. OKOLI: Could you read back the
13 second portion of the question?

14 (Whereupon, the referred-to
15 question was read back by the Reporter.)

16 A. We inspect people and determine
17 their admissibility. Check their documents,
18 inspect their bags. Make sure they are in
19 compliance with what they can or cannot bring
20 into or out of the country.

21 Q. How is this inspection different
22 from what you did as an INS officer?

23 A. How is it different?

24 Q. Yes.

25 A. I was doing a combination of

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2 immigration and customs enforcement whereas
3 immigration inspector I focus more on
4 admissibility and removability of individuals.

5 Q. Is there any difference between an
6 inspection and an exam?

7 A. Yes.

8 Q. What is the difference?

9 A. You will have to bear with me as I
10 think about it. It has been a couple years
11 since I had to define the difference. An exam
12 is more geared towards U.S. citizens and it is
13 just determining information that you already
14 have. It is confirming information. I am not
15 sure if this is the textbook explanation. This
16 is as I recall. An inspection is having that
17 person prove to me that they are who they say
18 with documentary evidence, what they tell me
19 verbally and any other information available to
20 me. It is an intensive exam.

21 Q. Were you on duty on December 5th,
22 2005?

23 A. Yes.

24 Q. And where was the location of that
25 duty, where were you assigned?

1 G. J. JURCZAK

2 A. I was assigned to Newark Airport.
3 However, my duties were not limited to the
4 airport. I was on a roving team. So my job
5 responsibilities could take me to a seaport or
6 anywhere within the airport or outer airport
7 area.

8 Q. Do you recall, on the 5th, whether
9 your job duties took you anywhere else other
10 than Newark International Airport?

11 A. I don't recall.

12 Q. Do you recall what tour of duty you
13 did?

14 A. On the 5th?

15 Q. Yes.

16 A. On that day I do recall working at
17 the terminals at Newark Airport.

18 Q. What terminal was that?

19 A. I think I worked at terminals B and
20 C. But I don't -- for the -- I recall working
21 at B but I may have worked at C. But I
22 couldn't know because I was all over the place.

23 Q. Do you recall what tour of duty it
24 was? What time did your duty start and when
25 did it end for that date?

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2 A. I don't recall.

3 Q. Do you recall whether it was a
4 morning assignment or evening assignment?

5 A. I believe it was a 12 to 8 tour but
6 we worked various tours. I think it was an
7 afternoon tour which would be a 12 to 8.

8 Q. When you say 12 to 8, that would be
9 12 noon to 8 p.m.?

10 A. Correct.

11 Q. Prior to December 5th, 2005, had
12 you ever seen Yemisi Akinyemi?

13 A. I believe I had.

14 Q. Approximately how many times would
15 you say you had seen her prior to December 5th,
16 2005?

17 A. Very difficult for me to put a
18 number to that.

19 Q. More than five, less than five?

20 A. I don't know. I didn't really know
21 her.

22 Q. Do you recall when it was that you
23 had seen her prior?

24 A. I recognized her. I thought it was
25 from Raymond Boulevard or perhaps in the

1 G. J. JURCZAK

2 terminals, but I couldn't pin point where
3 exactly I knew her from.

4 Q. Do you know who Alyse Long is?

5 A. Yes.

6 Q. Who is Alyse Long?

7 A. Alyse Long was a CBPO that I worked
8 with.

9 Q. Prior to December 5th, had you
10 worked with Alyse Long as a CBP officer before?

11 A. Yes.

12 Q. And on December 5th, during your
13 tour of duty, did you work with Alyse Long?

14 A. I did.

15 Q. Do you recall working with Alyse
16 Long at terminal B.

17 A. On the 5th?

18 Q. Yes.

19 A. Yes.

20 Q. Was there any other CBP officer
21 that worked with you and Alyse Long at terminal
22 B?

23 A. Perhaps, but not for a certain time
24 period.

25 Q. When you say perhaps, could you

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2 explain that to me?

3 A. I would have worked with other
4 people that could have been working a different
5 shift. For example, they were working -- we
6 are an overtime job. They worked, you know, 12
7 to 3 on overtime. From 12 to 3 they work
8 during our shift so we could have worked with
9 other people. once they went home, I don't
10 think there are other officers assigned to our
11 tours or duty. That would be the two of us.
12 That would be a typical scenario if there were
13 no other officers assigned to that tour. And
14 we frequently would assist other teams or
15 officers upon request.

16 Q. Now, during your tour, your 12 to 8
17 tour, do you recall performing your job
18 responsibilities in connection with an outbound
19 Air France flight?

20 A. I do.

21 Q. Do you recall where that flight was
22 headed?

23 A. My recollection was it was bound
24 for Paris, France.

25 Q. In connection with that flight, did

1 G. J. JURCZAK

2 you work with Ms. Long?

3 A. I did.

4 Q. What did you do in relation to that
5 flight or the passengers on that flight?

6 A. I am not sure I understand.

7 Q. What did you, did you do anything
8 as a CBP officer in relation to the passengers
9 who were to be on that flight?

10 A. I think are you asking me if I
11 conducted any inspections of people during that
12 flight?

13 Q. Yes, inspection or anything else.
14 I don't know whether there is anything other
15 other than inspection that you may have done.

16 A. Yes.

17 Q. So did you do inspections?

18 A. I did several inspections.

19 Q. Did you do anything else other than
20 an inspection with relation to those
21 passengers?

22 A. Yes. Inspection encompasses many
23 things, whatever relates to an inspection. To
24 answer your question, I did everything that
25 relates to inspection. It doesn't necessarily

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2 mean just talking to someone.

3 Q. You say an inspection encompasses
4 several other things?

5 A. It potentially could.

6 Q. Like what?

7 MR. CLOPPER: You can answer that
8 in a general level.

9 A. For example, search baggage, search
10 individuals, do a pat down of an individual,
11 request canine, request other law enforcement
12 agencies.

13 Q. Are you done with your answer? I
14 just didn't want to interject when you still
15 have something to say.

16 A. With your permission, if I remember
17 something, can I add it after the fact?

18 MR. CLOPPER: You absolutely may.

19 Q. Did you inspect every passenger
20 that went on that flight or was it a random
21 kind of inspection that you did?

22 A. It was random.

23 MR. CLOPPER: Objection, compound.

24 But go ahead and answer to the best
25 you can.

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2 A. It was random for the most part.

3 Q. When you say it was random for the
4 most part, what does that mean?

5 A. Meaning we didn't examine or
6 inspect every individual. We inspected or
7 examined several different individuals that
8 were boarding that flight.

9 Q. How did you make a determination as
10 to who to inspect?

11 MR. CLOPPER: Let's take a break.

12 I may object to this question. I will
13 step outside with Agent Jurczak one
14 moment and we will be right back.

15 (Whereupon, a brief recess was
16 taken.)

17 MR. CLOPPER: Counsel, I'll object
18 to this question but I am going to allow
19 the witness to answer the question
20 without describing specific law
21 enforcement techniques.

22 MR. OKOLI: Depending on what the
23 answer, is I don't know what your
24 objection is.

25 MR. CLOPPER: Law enforcement

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2 privilege.

3 Q. Could you answer the question?

4 MR. CLOPPER: Read back the
5 question.

6 (Whereupon, the referred-to
7 question was read back by the Reporter.)

8 A. Based on our experience and
9 training, we used different targeting
10 techniques to select people for examination or
11 inspection.

12 Q. Is it then fair to say that the
13 people that you inspected were only those that
14 were targeted?

15 A. No.

16 Q. Do you did you exclude those that
17 were not inspected?

18 MR. CLOPPER: Objection. Assumes
19 facts in evidence that anyone who is not
20 inspected was excluded, affirmatively
21 excluded. There were those that were
22 let go without inspection; correct?
23 There were some passengers that boarded
24 the flight and they were not inspected,
25 they were not stopped.

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2 THE WITNESS: Yes.

3 Q. How did you make a determination as
4 to who should not be stopped and boarded the
5 flight without an inspection?

6 MR. CLOPPER: Same objection. Law
7 enforcement privilege. He can answer
8 the question without revealing specific
9 law enforcement techniques.

10 A. There were two inspectors and there
11 were several hundred people on the flight.
12 Logistically, it would be impossible to inspect
13 every single person.

14 Q. I understand that but that doesn't
15 answer my question.

16 A. I don't understand your question.

17 Q. Are you saying that the reason some
18 people were not inspected was simply because
19 there were only two inspectors; is that what
20 your testimony is?

21 A. I am confused. Yes, that's fair to
22 say.

23 Q. Do you know how many people boarded
24 that flight on that day, approximately how many
25 people boarded the flight?

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2 A. Approximately, no.

3 Q. Do you know whether they were more
4 or less than 100 passengers on that flight?

5 A. No, I do not.

6 Q. Did you make a record of those that
7 you inspected?

8 A. For that day on that flight I would
9 have to go back and check the law enforcement
10 database. I would be guessing if I said yes or
11 no.

12 Q. As matter of practice, do you make
13 a note of everybody who is inspected?

14 A. No.

15 Q. Your last answer, you had to go
16 check --withdrawn.

17 A. I didn't say that.

18 MR. CLOPPER: He is withdrawing the
19 question.

20 Q. Let me go back quickly to the
21 question of Akinyemi prior to December 5th,
22 2005. Had you ever spoken with her?

23 A. I don't recall.

24 Q. Prior to December 5th, 2005, had
25 you ever heard her speak?

1 G. J. JURCZAK

2 A. I don't recall.

3 Q. What was your specific duty
4 location at the time you were conducting this
5 inspection of the Air France flight?

6 MR. CLOPPER: What's the question
7 again? Your physical location at the
8 time you were conducting the inspection?

9 Can you answer that?

10 A. One of the gates at terminal B. At
11 Newark Airport. One of the outbound gates.

12 Q. Now, when you say outbound gate,
13 can you describe what part of the gate you were
14 situated at in relation to the, I guess it is
15 jetway, the place that passengers go through in
16 order to get onto the aircraft?

17 A. Sure. Based on everybody's
18 knowledge of what a typical airport or terminal
19 would look like, there are satellites where you
20 check in. Then you go to different arms of the
21 airport. In a satellite would be multiple
22 airplanes coming through that portal and then
23 specific jetways that went to each specific
24 airplane destined for different places. Where
25 I was physically was in the outermost portal

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1
2 closest to the jetway of Air France on that
3 particular day which we are discussing.

4 Q. Is that anywhere close to where the
5 ticketing agents would normally take passengers
6 boarding flights or check passenger's boarding
7 passes?

8 A. Could you put it in context of
9 distance, sir?

10 Q. Yes. Where you were physically,
11 where you were doing this inspection, how close
12 was it, or should I say, is it anywhere near to
13 the part where airline staff or employees check
14 the boarding passes of passengers that are
15 supposed to be boarding a particular flight?

16 A. I am not sure I understand your
17 question, sir.

18 Q. At the place where you were, can
19 you describe for us where you were doing this
20 inspection? If you looked around, what would
21 you see? Would you see an airline staff desk
22 or anything of the sort anywhere near you where
23 doing the inspection?

24 How close were you to that desk?

25 A. 21 feet.

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2 Q. If you used this room, could you
3 use this room from --

4 A. From here to the far wall.

5 Q. How close were you to the entrance,
6 I guess, I don't know whether that is the
7 jetway, but the place where you go when you
8 start going down what looks like a tunnel until
9 you get to the aircraft, the entrance to that
10 tunnel for want of a better expression, how
11 close were you to that?

12 A. About the same distance from the
13 desk. 21 feet, seven yards.

14 Q. Between you and the desk, who was
15 closer to that entrance?

16 A. Between me --

17 Q. Where you were located and the
18 where the airline staff was located, which one
19 was closer to the entrance that we are talking
20 about?

21 A. I was closer to the entrance to the
22 jetway. But that's different from where people
23 check in because we never addressed where that
24 was. That was out --

25 Q. I asked you could you put it in

1 G. J. JURCZAK

2 context of distance and we moved onto a
3 different topic from where people actually
4 check in.

5 Even after you checked in before
6 you boarded the flight, unless there is a
7 different scenario that applies to Air France,
8 you could check in anywhere before you get on
9 the flight, you will have a boarding pass and
10 you have to show this to somebody to be sure
11 that the person that checked in is the person
12 that's boarding?

13 A. Yes.

14 Q. I am talking where you present the
15 boarding pass.

16 A. Yes.

17 Q. The inspection was nowhere near
18 where the checking in was done?

19 A. No. We couldn't see but it was
20 couple of hundred yards, if I was to estimate.

21 Q. The place where you were doing this
22 inspection, in that general vicinity, is that
23 where there are seats that airline passengers
24 could sit until they announced an actual
25 boarding of the flight?

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2 A. Yes.

3 Q. In relation to these sites, how
4 close were you?

5 A. Could I draw a diagram?

6 Q. Sure.

7 A. I don't know how to answer that
8 question because there is not just one area of
9 seats. I could give you a explanation of the
10 closest seats where we were.

11 Q. It would be great if we have some
12 drawing.

13 A. It will be really crude
14 (indicating). I will write AF and that will
15 represent the jetway and I will put a D which
16 will represent the desk. And then I will write
17 an S where there is seats, to my recollection.
18 I will write seats. And then, to your earlier
19 question as to satellite and portal, I will put
20 O for other jetways and I will mark my
21 location.

22 Q. Could you write it? Where you put
23 O, could you put jetways?

24 A. No problem.

25 Q. D is just desk?

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2 A. (Indicating).

3 Q. And where were you located in
4 relation to that?

5 A. May I mark it with an X?

6 Q. Yes.

7 A. This is an approximation. Should I
8 mark it in distance?

9 Q. No, the X. Will do. The X was
10 where you were located?

11 A. Correct (indicating).

12 Q. Where was Ms. Long located?

13 A. Should I use an O?

14 Q. Yes.

15 A. (Indicating).

16 Q. Next to you?

17 A. Or behind me or in front of me or
18 to the other side. Within touching distance.

19 Q. What did you say A.F. was again?

20 A. Air France. That's representing
21 the jetway to where the airplane was parked
22 next to.

23 MR. OKOLI: Let's have this marked
24 for identification.

25 (Whereupon, the aforementioned

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2 document was marked as Plaintiff's
3 Exhibit 1 for identification as of this
4 date by the Reporter.)

5 Q. Let me place before you what has
6 been marked as Plaintiff's Exhibit 1. Where
7 you have A.F., could you please indicate that
8 it is a jetway? Just write jetway on that A.F.
9 to distinguish from the other.

10 A. Should I put jetway where Air
11 France was located?

12 Q. Yes.

13 A. (Indicating).

14 Q. On Plaintiff's Exhibit 1, could you
15 draw an arrow to indicate the direction from
16 which the passengers were approaching you, the
17 passengers that were going to board the
18 aircraft, what direction they were coming from?

19 A. There will be multiple arrows. Is
20 that permissible?

21 Q. Yes.

22 A. (Indicating).

23 Q. Could you just write beneath it
24 arrows represent the areas from which
25 passengers would approach?

1 G. J. JURCZAK

2 A. (Indicating).

3 Q. Let me ask you this, were you
4 present when the boarding announcement was made
5 for that particular Air France flight?

6 A. I don't recall.

7 Q. Do you recall there being any line
8 of passengers being formed prior to you having
9 to inspect passengers?

10 A. On that day, I don't recall.

11 Q. From your previous experience,
12 would passengers form a line as they approach
13 you when you were doing an outbound inspection
14 or would they just be coming from different
15 areas as shown by the arrows?

16 A. There would be both, sir. To
17 answer your question, there would be a line or
18 choke point to give the boarding passes to the
19 ticket representatives but they would be coming
20 from all over the terminal to get on line.

21 Q. Do you recall there being a line on
22 that day?

23 A. As I stated, sir, on that date I
24 don't recall whether there was a line. I don't
25 remember if I had gotten there prior or at the

1 G. J. JURCZAK

2 time the flight was boarding.

3 Q. At the time you were doing the
4 inspection, was there a line that you could
5 observe of passengers approaching from either
6 boarding or inspection?

7 A. If I was conducting inspections, I
8 wasn't looking at what was out beyond the
9 terminal area. I can't do two things at once.

10 Q. Where you placed the X and O, which
11 represents where you and Ms. Long were
12 stationed on that day, that's exactly at the
13 entrance of the jetway?

14 A. It is more or less. It is, once
15 you pass the desk but it is before you enter
16 the jetway. In fact, you just jarred my
17 memory. Some of the jetways would actually
18 split once you got to that point. We would use
19 the center area as a search area and we have
20 partitions for the passenger privacy in the
21 event we searched a bag or patted down an
22 individual. I believe this is one of those
23 jetways that actually split. To answer your
24 question, standing there is a generalization of
25 where we would stand. I would have to draw

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2 something to scale which is beyond my
3 abilities.

4 Q. You are saying that it's your
5 testimony that the jetway that was used on that
6 day for the inspection of the Air France
7 passengers was a jetway that was split in two;
8 is that what are you saying?

9 A. I don't recall, but in past
10 experience in that terminal, in those jetways,
11 they had ones that split.

12 Q. Now, the desk that you represented
13 there, how high would that desk be from the
14 floor?

15 A. I don't know.

16 Q. Higher than this desk?

17 A. I believe so, yes.

18 Q. Higher than five feet from the
19 floor?

20 A. I don't think so.

21 Q. How tall are you, sir?

22 A. Approximately 5'10".

23 Q. Do you believe that this desk would
24 get to your chest if you were standing in front
25 of this desk?

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2 A. If I recall correctly, they sat on
3 stools. So they were higher than a standard
4 desk but not having to stand and write above
5 their shoulders. And may I add that this was a
6 split jetway, because the planes didn't
7 necessarily go to the same jetways every day.
8 They rotate or vary or sometimes go to
9 different terminals.

10 Q. But we are talking terminal B on
11 that day?

12 A. Yes. And if there was, in fact, a
13 split in the jetway, there would be another
14 desk for the other plane that was boarding
15 often times simultaneously. Should I reflect
16 that?

17 MR. CLOPPER: I think we've gotten
18 past your artistic ability so let's
19 stick to verbal answers. But I will
20 asked for a signed copy of that.

21 Q. When you performed an inspection,
22 were you seated or standing?

23 A. While I performed what inspection?

24 Q. When you performed inspections on
25 that day, would you be sitting on a chair like

1 G. J. JURCZAK

2 this when passengers were proceeding or were
3 you standing as passengers approached you?

4 A. When? Would I either be observing
5 --

6 Q. Withdrawn.

7 You indicated that both you and Ms.
8 Long were located in the place where you marked
9 X and O.

10 A. Correct.

11 Q. As you were located there, was
12 there a seat you were sitting on or were you
13 standing?

14 A. I don't recall but we would rarely
15 sit. We were normally standing. We might be
16 kneeling as we were examining luggage or, you
17 know, squatting against the wall waiting for
18 passengers or just for the flight time to come.

19 Q. That's squatting, kneeling or
20 standing?

21 A. Yes.

22 Q. Do you recall, at any previous
23 locations, having a seat there and actually
24 sitting?

25 A. At times there would be wheelchairs

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2 and I have on occasion sat in a wheelchair, but
3 this is normally out of the view of the public
4 sight. But in the view of the public sight you
5 try to look professional and stand.

6 Q. If you were standing, would there
7 be anything blocking your view beyond the desk?

8 If you were standing at X and O,
9 would there be anything blocking your view
10 beyond the desk that is depicted?

11 A. Theoretically several things could
12 obscure your view.

13 Q. Like what?

14 A. Pillars, structural pieces to the
15 building, other passengers.

16 Q. Passengers?

17 A. Other passengers, vendors, the
18 carts that people drive around in, luggage
19 containers that are in excess of my height so I
20 wouldn't be able to see through them. Poor
21 lighting conditions. These are just some
22 examples.

23 Q. Let me take the carts that people
24 are driving by in. Where would those carts be
25 driven past if you were sitting here

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2 (indicating)? Could you indicate where the
3 cart would be driven that's on that diagram if
4 a cart was being pulled or driven past that
5 location?

6 MR. CLOPPER: I think we have
7 exhausted the diagram. He can describe
8 where the carts would be.

9 MR. OKOLI: I am asking him to mark
10 on the diagram where the cart would be
11 the cart he just described.

12 Q. If it was being pulled or driven by
13 and you were here (indicating), where would it
14 be in relation to the seats of those
15 passengers?

16 MR. CLOPPER: I am unaware of any
17 right to require a witness to mark
18 anything on a diagram. I could be wrong
19 about that but I am not sure. I will
20 object.

21 MR. OKOLI: The Witness created the
22 diagram and there have been questions
23 further on that. If he says he cannot,
24 that's what it is. I don't think your
25 objection is well taken. We can leave

1 G. J. JURCZAK

2 that for asking the Judge. I have a
3 responsibility to question him on the
4 diagram. You were not there, I wasn't
5 there, he was there.

6 MR. CLOPPER: He can give verbal
7 answers. I think we are done with the
8 artwork.

9 MR. OKOLI: You are not testifying,
10 you didn't say we are done. You are not
11 testifying, sir.

12 Q. Can you please honor me and mark on
13 this diagram what you just testified to, a cart
14 that could theoretically obstruct your view?
15 Could you please mark that on Plaintiff's
16 Exhibit 1?

17 MR. CLOPPER: I am unaware that a
18 witness has to mark anything.

19 MR. OKOLI: Are you instructing the
20 witness not to answer?

21 MR. CLOPPER: We are done marking.

22 MR. OKOLI: Let's have that marked
23 for a ruling.

24 Q. The cart that you talked about,
25 would that be in some area, a passage way

1 G. J. JURCZAK

2 that's meant either for foot traffic or for
3 carts to go by?

4 A. Can I just add to this? You had
5 asked what the closest sites were to the desk
6 area.

7 Q. That wasn't my question. Could you
8 please answer the question that's right now
9 before you? The carts that you talked about,
10 would they be carts going in the place meant
11 for carts to go by or where human beings could
12 walk by or would they be somewhere else?

13 A. In the hypothetical situation you
14 are describing, it would be impossible for me
15 to describe based on this diagram.

16 MR. CLOPPER: Answer it not based
17 on the diagram.

18 Q. I am not talking about based on the
19 diagram. Have you ever been at the airport
20 where some passengers climb on things that look
21 like trolleys and then are driven and then you
22 here beep, beep, beep and they are driving down
23 the pathway? Have you ever seen that kind of
24 cart?

25 A. Yes.

1 G. J. JURCZAK

2 Q. The cart that are you talking
3 about, would they pass the same place where
4 those vehicles that would carry some passengers
5 and beep or would they be located at some other
6 place?

7 A. Those are the vehicles that I was
8 referring to.

9 Q. Exactly.

10 So these vehicles would then be
11 beyond the seats that you have just described
12 here; correct?

13 A. I can't say whether there were ever
14 carts that came up any closer or farther away.
15 I would be speculating on that.

16 Q. Would the passengers, these seats
17 that we are talking about, are passengers
18 approaching between you and the carts or beyond
19 where the carts would be passing?

20 A. Forgive me counselor, I am confused
21 as to what your question is.

22 Q. Let us use the diagram again for
23 purposes of assumption. Let us assume that the
24 carts would be going by in some area where they
25 could drive past. The passengers that you are

1 G. J. JURCZAK

2 talking about, who would approach you for
3 inspection, would they be on the other side of
4 the passage way where the carts would be or
5 would they be closer to you?

6 A. Based on this diagram, counselor?

7 Q. Yes.

8 A. Based on this diagram, I can't
9 answer that question because there are seats
10 all over the place.

11 Q. The carts that are you talking
12 about, would they be driving into seats or
13 would they have a clear path where they are
14 passing?

15 A. They wouldn't be driving into
16 seats, they would be driving in between rows of
17 seats. It is an open area. There are seats
18 all over the place and these carts go all over
19 the place.

20 Q. So where you just indicated seats
21 are is not the only place where you have seats
22 in that area?

23 A. Yes. What I was trying to answer,
24 you had asked me originally where the closest
25 seats passengers would sit in relation to the

1 G. J. JURCZAK

2 desk and where we usually might set up for a
3 flight. But this isn't representative of all
4 seats nor could I ever draw where they are
5 because A, I wouldn't know how to do it and B,
6 the layout changes. There is constant
7 construction. Jetways are closed. Partitions
8 are put in. New restaurants are added.

9 Q. My question is your recollection as
10 of that day, not what happened before or after.
11 It is you know the questions you are being
12 asked relates to December 5th, 2005?

13 A. Sir, what's your question.

14 Q. My question is, as you sit here
15 today, you know the questions I am asking you
16 relate to December 5th, 2005; is that fair?

17 A. That's fair.

18 Q. I wasn't asking you any questions
19 about what the situation might have been way
20 before December 5th, 2005 or what the situation
21 is today; you understand that?

22 MR. CLOPPER: Asked and answered.

23 A. Yes.

24 Q. Other than you and Alyse Long, was
25 there any other CBP officer who was working the

1 G. J. JURCZAK

2 outbound flight at that particular point in
3 time? I am talking about the Air France
4 flight.

5 A. I don't recall.

6 Q. Is there any document that you have
7 anywhere that would jog your memory or help you
8 recall whether there was anyone else other than
9 you and Ms. Long working the outbound flight on
10 that day?

11 A. Is your question, sir, were we the
12 only two people working Air France in the
13 terminal area?

14 Q. Yes.

15 A. Correct, it would be Officer Long
16 and I.

17 Q. Were you present at the time that
18 the passengers began to board the flight?

19 A. I don't recall.

20 Q. Were you present when the last
21 passengers boarded the flight?

22 A. I believe so.

23 Q. Was Ms. Long with you throughout
24 the time that you performed this inspection?

25 Was she in the same vicinity, close by, give or

1 G. J. JURCZAK

2 take three feet, five feet?

3 A. Counsel, when are you saying this
4 inspection, are you talking about a particular
5 inspection?

6 Q. The entire outbound flight.

7 During the course of the boarding
8 of that flight, did you ever leave that
9 location to go elsewhere for any reason?

10 A. I believe we verified someone's
11 money and a couple of bags, but that was
12 located further back in the jetway. But we
13 never left that area.

14 Q. When you say located further back,
15 that would be going further from where you were
16 towards the aircraft; is that what it is?

17 A. Based on my diagram, it would be
18 where the F is based on A. But I didn't
19 represent the split in the jetway.

20 Q. When you verified that were you
21 with Officer Long?

22 A. Yes.

23 Q. What I am trying to get at,
24 throughout the time that you worked this
25 outbound flight you were together with Officer

1 G. J. JURCZAK

2 Long; is that a fair statement?

3 A. Yes.

4 Q. There what no time when Officer
5 Long left and you were doing an inspection?

6 MR. CLOPPER: Objection, vague.

7 Answer to the best of your ability.

8 A. As I recall, yes.

9 Q. Did there come a time when you
10 spoke to an Air France passenger who we know to
11 be Olubukola Seweje?

12 A. Yes.

13 Q. At what point in time did you first
14 notice Mr. Seweje?

15 A. I recall or I believe it was when
16 he was approaching the jetway.

17 Q. Was there anything that caused you
18 to notice Mr. Seweje?

19 MR. CLOPPER: Objection, vague.

20 You can go ahead and answer to the
21 best of your ability.

22 A. The question again, please?

23 (Whereupon, the referred to
24 question was read back by the Reporter.)

25 A. I don't recall.

1 G. J. JURCZAK

2 Q. Between you and Ms. Long, who was
3 it that first spoke to Mr. Seweje?

4 A. I don't recall.

5 Q. Did there come a time that you
6 personally spoke to Mr. Seweje?

7 A. I did.

8 Q. At what point did you speak to
9 Mr. Seweje?

10 A. Are you asking me for a time? I
11 don't understand the question.

12 Q. When you spoke to Mr. Seweje where
13 were you and where was he?

14 A. In the jetway beyond the desk.

15 Q. And what, if anything, did you say
16 to him?

17 A. I would be speculating exactly what
18 I said. What's common is --

19 Q. You don't recall what you said? If
20 you don't recall, you don't recall.

21 A. I usually say pretty much the same
22 thing to all the passengers that I deal with.
23 I identify myself as to what I am and I ask
24 them where they are going. I request to see
25 their travel documents.

1 G. J. JURCZAK

2 Q. And this is your general practice?

3 A. Yes, this is what I do, what I try
4 to do with every passenger.

5 Q. But you have no specific
6 recollection whether you did it with this
7 particular passenger?

8 A. It is my recollection that I did do
9 this with this passenger because I do it with
10 all my passengers that I interview. I am
11 confident that I did do those two things, which
12 is identify myself and ask for travel documents
13 and I try to establish a rapport with hello or
14 something like that.

15 Q. Mr. Seweje approached you and you
16 introduced yourself; correct?

17 MR. CLOPPER: Objection, asked and
18 answered.

19 Q. So what specifically did you ask
20 Mr. Seweje?

21 A. I don't recall exactly what I said
22 to Mr. Seweje.

23 Q. Do you recall whether you asked
24 Mr. Seweje for his passport?

25 A. Yes.

1 G. J. JURCZAK

2 Q. And what did he say to you?

3 A. I don't recall exactly what he said
4 to me.

5 Q. Did he do anything in response to
6 your request for his passport?

7 A. Did he say anything in --

8 Q. Did he do anything. You don't
9 recall if he said anything. My question is,
10 did he do anything in response to you asking
11 him for his passport?

12 A. He presented me with his passport.

13 Q. Did you take the passport?

14 A. Yes.

15 Q. Did you examine it?

16 A. I looked through it.

17 Q. Did you see his name there?

18 A. Yes, I did.

19 Q. You saw his citizenship?

20 A. Yes, I did.

21 Q. What did you do as a result of
22 that?

23 A. I continued my questioning.

24 Q. What was your questioning, what did
25 you question him about?

1 G. J. JURCZAK

2 A. I don't recall exactly what I asked
3 him but typically, with this type of inspection
4 on outbound inspections, we determine the
5 purpose of the travel, ultimate destination and
6 how much currency they are carrying with them.

7 Q. Did he tell you where he was going
8 to?

9 A. I don't recall.

10 Q. Did you determine where he was
11 going to, his ultimate destination?

12 A. I believe so, during the course of
13 the conversation.

14 Q. How did you determine that?

15 A. I asked him.

16 Q. If you asked him, then did he
17 respond?

18 A. If I asked a question, he answered
19 the question, yes.

20 Q. He told you his ultimate
21 destination; correct?

22 A. Yes.

23 Q. Did you ask him the purpose of his
24 trip?

25 A. I believe I did.

1 G. J. JURCZAK

2 Q. And did he tell you?

3 A. My recollection is that he said he
4 was leaving because the weather was bad.

5 Q. That's your recollection?

6 A. Yes.

7 Q. Did you make a note of this
8 anywhere, that this was what he told you?

9 A. At that time or after the fact?

10 Q. First at that time.

11 A. At that time, no, we were having a
12 conversation.

13 Q. Did you record this conversation?

14 A. With a digital recorder?

15 Q. Yes.

16 A. No.

17 Q. At some point, did you make a note
18 of what you believe he told you?

19 A. Yes.

20 Q. How long after this encounter did
21 you make a note of what you believe he told
22 you?

23 A. I think it is important to note --
24 I want to answer your question but during the
25 course of the initial encounter, Mr. Seweje was

1 G. J. JURCZAK

2 quick to tell me that his wife worked for us.

3 I didn't understand what us meant. And to
4 answer your question, I did make a report of
5 what he told me during our interview.

6 Q. Did you make a note or did you
7 create some written document of what you
8 believe he told you? Whether it is in the
9 written form or not, I am interested in what's
10 written, not what you may have said, because I
11 have no way of checking what you said.

12 Did you create some document
13 stating whatever it was that Mr. Seweje told
14 you as you recall it?

15 A. For example, as on a note pad or a
16 document that explained it? I am trying to
17 answer your question. We do have currency
18 declaration forms where we advise the passenger
19 of the law. And they sign the declaration and
20 state they carry XYZ money. They read it
21 themselves. They acknowledge it, they make a
22 declaration. It is a formal document. I might
23 write notes on that. I don't recall what I
24 wrote or if I took that documentation at the
25 time.

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2 Q. Let me be more specific.

3 Do you have a written document or
4 did you create a written document where he told
5 you he was leaving because the weather was bad?

6 A. There was a statement made to me at
7 the time which I later wrote down.

8 Q. At what point did you write it
9 down, how soon after the statement was
10 allegedly made to you?

11 A. In terms of hours or days?

12 Q. Hours, days. Your choice.

13 A. I want to say within two or three
14 hours.

15 Q. And would that document be the
16 document in which you wrote down that Seweje
17 told you that he was going because the weather
18 was bad?

19 A. Where would that document be?

20 Q. Yes.

21 A. I don't know if I created a
22 document stating that until a later date or
23 time.

24 Q. That's what I am trying to
25 determine. When was the first time you created

1 G. J. JURCZAK

2 this document?

3 A. I don't recall.

4 Q. Was it created the same day?

5 A. I don't recall.

6 Q. Did you have a document in which
7 Mr. Seweje told you that his wife worked for
8 us, for you?

9 MR. CLOPPER: Objection, vague and
10 ambiguous.

11 A. My impression, when he said he
12 worked for us meant nothing to me inasmuch as
13 people will say he worked for you, meaning he
14 works for the airline, he works for the T.S.A.
15 People don't know what we do or who we are for
16 the most part. He could have thought we were
17 the airline, a private security company. I
18 don't know what meant by us. During the course
19 of our conversation I tried to determine who
20 exactly he was referring to in trying to
21 ascertain what he meant by us.

22 Q. Now, had you ever seen or met
23 Mr. Seweje before that day?

24 A. Not that I can recall.

25 Q. So it's fair to say that you did

1 G. J. JURCZAK

2 not know anything about his background?

3 A. That's correct.

4 Q. So you do not know what he knew or
5 what he did not know. Did you ask him whether
6 he knew the difference between CBP and vendors
7 or anything of the sort?

8 A. I did ask him.

9 Q. What did he tell you?

10 A. He said no for you, and my
11 follow-up question to that was, well, who did I
12 work for. He said where people come in. He
13 couldn't articulate or say where we were.

14 Q. What was the question that you
15 posted to him for him to first tell you that he
16 worked for you or us? You didn't ask him any
17 question, he just volunteered that statement?

18 A. That was one of the first things he
19 volunteered.

20 Q. Did he volunteer any other
21 information?

22 A. Not that I recall, other than
23 answering the questions that were asked of him.
24 He was insistent that he call his wife.

25 Q. This was during the first time you

1 G. J. JURCZAK

2 met with him, he was insistent that he call the
3 wife? Did he tell you why he wanted to call
4 the wife?

5 A. No.

6 Q. Did you ask him why he wanted to
7 call the wife, what was the purpose of calling
8 the wife?

9 A. No, I don't know. I -- I just
10 wanted to ask him a couple of questions.

11 MR. CLOPPER: Objection. There is
12 compound question there.

13 Q. You said you asked for his
14 passport. Did you find anything wrong with his
15 passport? By looking at his passport, was
16 there anything you found wrong with his
17 passport?

18 A. I am not sure I understand what you
19 mean by wrong.

20 Q. By looking at his passport on that
21 day, was there anything that jumped out at you
22 on his passport that was out of place during
23 that inspection?

24 MR. CLOPPER: Objection, vague.

25 Go ahead and answer to the best of

1 G. J. JURCZAK

2 your ability.

3 A. Not that I recall.

4 Q. At some point you gave him back his
5 passport?

6 A. Yes.

7 Q. You were satisfied that there was
8 nothing wrong with this passport and you gave
9 it back to him?

10 A. No.

11 Q. You weren't satisfied?

12 A. No.

13 Q. Why didn't you stop him. Why
14 didn't you detain him?

15 A. We don't detain. We have
16 conversations. There were other things
17 simultaneously going on. On some level I
18 believe I was dealing with a colleague's
19 husband even though I was unable to determine
20 who that person was. He was saying things to
21 me that didn't really make sense to me.

22 Q. Like what? That's the purpose of
23 this deposition. What was he saying to you?

24 A. He was giving me vague answer as to
25 his trip.

1 G. J. JURCZAK

2 Q. What vague answers? What was your
3 question and what was his answer that you
4 considered vague?

5 A. The fact that he couldn't describe
6 who we were initially right off the bat. One
7 of his statements right off the bat was my wife
8 is working for you.

9 Q. You had asked who does your wife
10 work for and he couldn't tell you the wife
11 worked for Customs and Border Protection?

12 A. Yes. And sir, it's as if I asked
13 you what you did and you couldn't tell me you
14 were an attorney. That's why it struck me as
15 odd.

16 Q. What other question that you asked
17 him that he was vague about. Tell us every
18 question that you recall asking him that he was
19 vague about or did not respond to, to the best
20 of your recollection?

21 A. To the best of my recollection, my
22 suspicions lay in the fact that immediately he
23 told me that his wife worked for me.
24 Typically, I don't know whether this is a law
25 enforcement --

1 G. J. JURCZAK

2 MR. CLOPPER: Answer the question
3 in terms of what you recall about what
4 he said that was vague.

5 Q. First of all, I did not ask about
6 suspicions. I am asking factual questions.
7 What questions, to the best of your
8 recollection, every question that you recall
9 asking him and his responses you considered
10 vague?

11 A. I don't recall every question I
12 asked. I typically ask the same questions to
13 every passenger that I deal with. I got a
14 sense -- I don't recall exactly what I asked
15 him so I can't respond what exactly his answer
16 was.

17 Q. Other than not being able to tell
18 you that his wife worked for Customs and Border
19 Protection, was there anything else that he
20 told you that you considered vague?

21 A. I don't recall at this time.

22 Q. Did you make a note of it at the
23 time that it was occurring as to what it was
24 that he responded to or didn't respond to?

25 A. I don't recall.

1 G. J. JURCZAK

2 Q. You don't recall if you were making
3 notes?

4 A. No, I typically don't make notes as
5 I am conducting an interview unless it is
6 documented because I was actually allowing him
7 to board the flight after we got through the
8 cursory questions.

9 Q. Do you recall documenting these
10 facts some time after the inspection?

11 A. Documenting the facts of the
12 initial conversation?

13 Q. Yes.

14 A. I recall documenting the entire
15 encounter. However, at this point in time I
16 can't recall what happened before certain
17 circumstances and what happened after certain
18 circumstances. I can't answer that question.

19 Q. You have no recollection as to the
20 chronology of the events that you described; is
21 that fair to say?

22 A. Not fair to say because there was a
23 specific chronology of events but that explicit
24 question and answer detail at that point in
25 time, I don't remember the exact questions at

1 G. J. JURCZAK

2 that time or answers. For the most part, what
3 I recall from that initial encounter was him
4 telling me right off the bat that his wife
5 worked for us.

6 Q. Did you at any point determine what
7 kind of work he did?

8 A. I believe I asked him what his
9 occupation was.

10 Q. Was he vague about that or was he
11 clear about it?

12 A. I believe he told me he was a limo
13 driver.

14 Q. Was it during this investigation he
15 told you he was a limo driver?

16 MR. CLOPPER: Objection, asked and
17 answered. But answer to the best of
18 your ability.

19 MR. OKOLI: It wasn't asked before.

20 A. The question was again?

21 Q. The question is, did he tell you he
22 was a limo driver during this first encounter
23 inspection where he told you that his wife
24 worked for you?

25 A. I believe so.

1 G. J. JURCZAK

2 Q. And at that point, you had an
3 opportunity to examine his passport; correct?

4 A. Yes, I believe so.

5 Q. Did you scoff at the idea that he
6 was traveling to Nigeria?

7 MR. CLOPPER: Objection,
8 argumentative.

9 A. Can you -- can you use another word
10 to describe what you are talking about?

11 Q. Withdrawn.

12 Did you ask him where he got the
13 money to purchase an airline ticket to Nigeria
14 as a limo driver?

15 A. I don't recall asking that
16 question.

17 Q. During this inspection, do you
18 recall whether there was any interactions
19 whatsoever between Mr. Seweje and Alyse Long
20 this first period of your encounter?

21 A. Given the proximity of where she
22 was standing to me, I believe she was privy to
23 the information that was being disclosed from
24 the subject to me. I don't recall exactly
25 whether she was involved in the examination

1 G. J. JURCZAK

2 that was going on simultaneously. However, I
3 do recall there being the three of us talking
4 because we all -- the both of us worked and
5 when he was trying to explain where his wife
6 worked, I believe Ms. Long was asking
7 additional questions to try to figure out who
8 he was referring to.

9 Q. After the inspection, at some point
10 you let Mr. Seweje go. You released him;
11 correct?

12 A. I believe he boarded the flight.

13 Q. As you sit here today you believe
14 that he boarded that flight?

15 A. Yes.

16 Q. How did you make that
17 determination?

18 A. He walked towards the direction of
19 the airplane and out of my sight of view. From
20 where I was standing, I could look down the
21 jetway and you would be obscured for about
22 three feet of the jetway before you stepped
23 onto the airplane. Unless he went to the end
24 of the jetway, turned sideways and put his back
25 up against the wall like someone would do if

1 G. J. JURCZAK

2 they were trying hide. He would have to step
3 on the plane or step on the jetway. If he was
4 on the jetway, I would see him.

5 Q. Was he the last passenger that you
6 inspected?

7 A. No, he was not.

8 Q. There were other passenger that you
9 inspected?

10 A. After him, yes.

11 Q. As you are doing your inspection,
12 you were still able to see where Mr. Seweje
13 went and that he boarded the flight?

14 A. I can't speculate to that, sir.
15 That would be an assumption. There is really
16 nowhere else to go. once people passed us,
17 they get on the plane in normal brackets.
18 However, I want to address your other question
19 which I did not fully answer. We were
20 discussing Officer Long and I asking him
21 questions. We weren't asking him anything
22 other than who his wife was because we were
23 curious as to who his wife is because we work
24 with several people and if we run into someone
25 that we know. And so we will ascertain for the

1 G. J. JURCZAK

2 person and we will say to a colleague we saw
3 your spouse or mother or friend. That portion
4 of the exam was more of trying to determine who
5 he was referring to.

6 Q. Thank you for that.

7 What I am trying to determine is
8 that portion of the exam where you and Ms. Long
9 were questioning him about the identity of the
10 wife. Did that occur before he was released
11 into the jetway or did it occur after he came
12 back up the jetway?

13 A. I think it happened before and
14 after.

15 Q. It happened on both occasions?

16 A. It is one occasion.

17 Q. You are saying both you and Ms.
18 Long questioned him about the identity of his
19 wife before he was released into the jetway and
20 questioned him again about the identity of the
21 wife after he came out of the jetway?

22 Is that what are you testifying to
23 today?

24 A. I think we are leaving out the fact
25 that he boarded the plane and came back off the

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2 plane.

3 Q. If you choose to call it that he
4 boarded the plane I won't question that.
5 According to you he boarded the plane, you saw
6 him board the plane?

7 A. No.

8 Q. Did anyone tell you, any Air France
9 staff tell you that he actually boarded the
10 plane?

11 A. Yes.

12 Q. Who told you that?

13 A. I don't recall the woman's name. I
14 did document that however, I believe, after the
15 fact.

16 Q. And in your documentation you
17 stated that the Air France staff told you that
18 Mr. Seweje actually boarded the plane and came
19 off the plane?

20 A. It was inferred.

21 Q. I am not asking you what was
22 inferred, I am asking you what was stated. We
23 can infer anything that we wish.

24 I am asking you what was stated in
25 the documentation that you are referring to?

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2 Are you saying that this person of the Air
3 France staff told you that Mr. Seweje in fact
4 boarded the plane and came off the plane? Is
5 that what are you saying?

6 A. I can't affirmatively answer that.

7 Q. In one of your answers you said
8 suspicion, you used the word suspicion.

9 What was your suspicion when you
10 were questioning Mr. Seweje? You said your
11 suspicion was raised. When you say that your
12 suspicion was raised, what were you --

13 A. You are asking me a general
14 question as to what I said. I was, as you say,
15 suspicious when he volunteered right off the
16 bat that his wife worked for us.

17 Q. What were you suspicious of when he
18 volunteered that statement, what were you
19 suspicious of? You can go ahead and answer
20 that question.

21 A. In my experience and training,
22 people will typically assert certain
23 information that would defer examination or
24 inspection by saying that you had a family
25 member working for you. Who you worked for

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2 would be a prime text book example of using
3 information to perhaps end an examination
4 prematurely.

5 Q. In your examination of him, did
6 that cause to you end his examination
7 prematurely?

8 A. Partially, yes.

9 Q. The fact that he mentioned that his
10 wife worked for you influenced you as a CBP
11 officer not to do your job; is that what are
12 you saying?

13 MR. CLOPPER: Objection. That's
14 not what the Witness testified to.

15 Q. As a CBP officer, is it your
16 testimony that you stopped an investigation
17 that would otherwise have been longer because a
18 passenger that you did not know told that you
19 the wife worked for you?

20 A. It was not an investigation but --

21 Q. Interview?

22 A. That did contribute, along with
23 other factors, that I chose to end the
24 interview at that time based on that and other
25 things that were happening at the same time.

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2 Q. What else was happening at the same
3 time that contributed to this statement that
4 caused you to end the examination at that time?

5 A. Officer Long was interviewing a
6 couple that was carrying over \$10,000 and we
7 needed to verify that money.

8 Q. Anything else other than the fact
9 that you needed to verify the money that
10 another passenger was carrying that Ms. Long
11 was examining, and the fact that Mr. Seweje
12 mentioned that the wife worked for CBP?
13 Anything else that contributed to your ending
14 the examination or inspection at the time that
15 you did?

16 A. Those are four questions.

17 MR. CLOPPER: Objection, compound.

18 Q. Other than what you have testified
19 to, is there anything else that contributed to
20 you not questioning Mr. Seweje further than you
21 did?

22 A. My desire is to help my partner.
23 The fact is, although they didn't add up to me
24 at the time, I was giving that passenger the
25 benefit of the doubt that he was who he said he

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2 was and was doing whatever he was doing and I
3 chose -- I used my officer discretion to end
4 the interview at that time.

5 MR. CLOPPER: Let's take a five
6 minute break.

7 (Whereupon, a brief recess was
8 taken.)

9 MR. OKOLI: Could we have the last
10 question and answer?

11 (Whereupon, the referred-to
12 question and answer were read back by
13 the Reporter.)

14 Q. How did you end your examination or
15 inspection of Mr. Seweje?

16 A. I believe I made a statement to
17 have a nice night, have a nice flight.

18 Q. For the record, could you describe
19 Mr. Seweje for us?

20 A. Male.

21 Q. As best you recall him?

22 A. Black male, maybe 5'10", 215
23 pounds. That's pretty much what I remember.

24 Q. During that first inspection before
25 you sent him on his way, before you concluded

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2 your inspection of Mr. Seweje, did you ever
3 hear Ms. Long ask for his passport? Other than
4 you asking him for his passport, did you hear
5 Ms. Long ask Mr. Seweje for his passport?

6 A. I don't recall.

7 Q. Did there come a point in time that
8 after you released Mr. Seweje you saw him again
9 that day?

10 A. Yes.

11 Q. How soon after you released him did
12 you see him again?

13 A. It is difficult for me to put an
14 exact time period to that, but it was before --
15 I believe we were talking about one of the last
16 passengers boarding the flight, so it was while
17 the flight was still boarding. I would be
18 guessing if I said five minutes or ten minutes.

19 Q. So you have no recollection of how
20 much time passed before you saw him again?

21 A. I have some recollection based on
22 the overall time period in which we were
23 working. We weren't there for an hour. He was
24 towards the end of the flight and we had spoken
25 to -- we verified the money from the people

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2 that we had verified. I think Officer Long had
3 done a pretty intense exam of another passenger
4 and we were discussion the flight and
5 everything that had occurred during the course
6 the flight and including the last passenger.
7 If I recall correctly, Mr. Seweje came back up
8 from the area where only the plane is. So you
9 can deduce the time period from that
10 description. I don't know how long it was.
11 Couple of minutes.

12 Q. Could you give us an approximation?

13 MR. CLOPPER: Objection. I think
14 he just did.

15 Q. When you say a couple of minutes,
16 what does that mean, five minutes, ten minutes,
17 two minutes?

18 MR. CLOPPER: Go ahead and answer
19 to the best your about.

20 A. As I recall, it could have been
21 five or ten minutes. Perhaps 15 minutes. I
22 don't know. I was involved in other things.
23 As I again stated, it was towards the end of
24 the flight. There were only a couple of
25 passengers. If you recall, usually an exam

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2 takes two to three minutes. Maximum number,
3 five to ten minutes. I wouldn't say it
4 exceeded more than ten minutes.

5 Q. At the time that you performed an
6 inspection on Mr. Seweje, approximately how
7 many passengers do you recall remaining to be
8 inspected or to board, whichever you choose?

9 A. That's impossible for me to answer.
10 Would you like an explanation as to why, sir?

11 Q. Yes.

12 A. Not all passengers are present in
13 the boarding area at the time. And we are not
14 keeping track of, you know, the flight manifest
15 as to how many people walk pass us. We are not
16 checking.

17 Q. Thank you.

18 At the time that you first saw
19 Seweje coming back up, were you still in the
20 place where you marked as X and O on
21 Plaintiff's Exhibit 1?

22 A. Yes, sir, approximately. That area
23 could have been a few feet back, could have
24 been a few feet forward.

25 Q. Do you see on that diagram where it

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2 was that you first observed Seweje as he was
3 coming back?

4 A. He came from behind us, from the
5 plane, from the only way that you could get to
6 the plane, the jetway.

7 Q. So is it fair to say that you did
8 not see him walking up until he got to you,
9 until he got to where you were? You said he
10 came from behind you?

11 A. I can only conclude that he came
12 from the airplane because he would have been
13 observed coming from any other direction or any
14 other place.

15 Q. I am trying to clarify. At the
16 time that he came up to you, did you have your
17 back towards the jetway?

18 A. Yes.

19 Q. So is it fair to say then that you
20 did not see him as he walked up until he got to
21 where it was clear that he was coming from the
22 jetway?

23 A. I don't understand your question,
24 sir. Could you repeat the question?

25 MR. OKOLI: Read back the question.

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2 (Whereupon, the referred to
3 question was read back by the Reporter.)

4 A. Yes, you can conclude that. That
5 just means he was just coming from the plane or
6 from the direction of the plane; correct?

7 Q. Yes.

8 A. Okay.

9 Q. And tell us, the first time that
10 you saw him after he walked up from the
11 direction of the plane, tell us what you first
12 observed?

13 A. He was looking into the terminal
14 area. I am pointing to the diagram. That's a
15 wide open space and I think I made a statement
16 such as hi, did you forget something or
17 something to that effect. He walked past
18 Officer Long and ignored my question. Officer
19 Long, I believe, asked him a question and right
20 behind him was the Air France representative
21 who we looked at, shrugged or looked to her for
22 explanation and she rolled her eyes and
23 shrugged and he said something to the effect
24 that I think I have to make a phone call or
25 something to that effect.

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2 Q. Did he ever ask you if you had a
3 cell phone he could use to make a call because
4 he wasn't getting a signal in the jetway?

5 A. No, and to that point, cell phones
6 aren't allowed in that area during inspections
7 so --

8 Q. No, no. As he walked back up to
9 where you say cell phones are not allowed in
10 that area, do passengers take their cell phones
11 as they are traveling, do they take them onto
12 aircraft?

13 A. Yes.

14 Q. Do you have any way of controlling
15 whether a passenger, whether in compliance or
16 in violation of the law, chooses to make a call
17 once they go past you?

18 A. No.

19 Q. The airline representative that you
20 talked about, was that male or female?

21 A. She was a female.

22 Q. Do you recall the person's name?

23 A. I do not.

24 Q. Other than looking at this lady and
25 she rolling her eyes, did she ever say

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2 anything, did she ever verbalize anything to
3 you on that occasion?

4 A. I think she was saying something to
5 the effect that, sir, you need to get on board
6 and we need to leave. Something to that
7 effect. She wasn't directing it to me. My
8 back was turned to him. He basically surprised
9 us. That wasn't the case. We were having a
10 conversation and he approached from the jetway
11 and walked up to us. On his approach, she was
12 saying something to him. He was ignoring her
13 much as he ignored us as he walked by.

14 Q. When you say that she was saying
15 something to him, do you recall what she was
16 saying to him?

17 A. I wasn't able to hear what she was
18 saying to him.

19 Q. Different question now.

20 At the time were you able to make
21 out what it was that this lady was saying to
22 him, even if you have forgotten what it was?

23 A. I don't recall what she was saying.
24 I thought she was saying you need to get back
25 on the plane.

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2 Q. I am not interested in what you
3 think, either you know or you don't know?

4 A. I don't know, counselor.

5 Q. You stated that Mr. Seweje ignored
6 you. What did he do after he ignored you or
7 ignored the question you were asking him?

8 A. He walked past us towards the desk
9 area where they accept boarding passes and
10 started to look around in the terminal area.

11 Q. Did you observe any cell phone in
12 his hand at the time?

13 A. I don't remember whether you told
14 me this or whether I am recollecting it. He
15 was in the process of making a phone call. He
16 made like he was trying to call his wife or
17 something.

18 Q. Other than that, did he say
19 anything else to you or did you ask why he was
20 trying to call the wife?

21 A. I just wanted -- I asked him if
22 there was a problem, if he had forgotten
23 something.

24 Q. And his only response was he was
25 trying to call the wife?

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2 Did he give any other response?

3 A. He basically ignored us and mumbled
4 something indiscernible and walked by.

5 Q. At what point was he trying to call
6 the wife? Was it after he ignored you and
7 mumbled something?

8 A. I don't recall.

9 Q. You do recall at some point he came
10 back and said he was trying to call the wife;
11 that much you recall?

12 A. After the fact. But more
13 importantly, I remember his ignoring us in our
14 questioning.

15 Q. In this deposition I am trying to
16 get the facts. It is my responsibility to ask
17 questions. I am trying to get from you if you
18 recall whether he said he was trying to call
19 the wife before he ignored your question and
20 mumbled something or after he had ignored you
21 and mumbled something?

22 A. It is my recollection that he said
23 that after he walked by us.

24 Q. And did you see him make a call?

25 A. I don't recall.

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2 MR. CLOPPER: I have to step out
3 and go down and deal with the next
4 witness.

5 (Whereupon, a brief recess was
6 taken.)

7 MR. OKOLI: Read back the last
8 question and answer.

9 (Whereupon, the referred to
10 question and answer were read back by
11 the Reporter.)

12 Q. What else happened that you recall
13 on that occasion after he came up and ignored
14 you, what else do you recall occurred?

15 A. At that point I recall him saying I
16 called my wife and she is coming back or
17 something to that effect. It is difficult to
18 remember exactly what happened. As I was
19 asking questions Officer Long was asking
20 questions. We were both taken aback looking to
21 the Air France representative for an
22 explanation of what this passenger appeared
23 for. It was highly abnormal for a passenger to
24 come back from an airplane especially after the
25 duration had been five minutes or ten minutes.

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2 Whether it had been at the end of the jetway or
3 on the airplane for the passenger to come back.
4 Additionally, because I believe all passengers
5 had boarded at that point.

6 Q. When you said you were asking
7 questions and Ms. Long was asking questions,
8 what questions were you asking?

9 A. I asked to see his passport.

10 Q. Was it you that asked that question
11 or was it Ms. Long?

12 A. I don't recall.

13 Q. On that second occasion, did you
14 look at his passport again?

15 A. Yes.

16 Q. What was the reason for looking at
17 his passport a second time?

18 A. Biding time. Seeing if there was
19 something that I missed the first time going
20 through it. I was perplexed as to why a
21 passenger that had been inspected and boarded
22 an airplane, as far as I knew, would get off an
23 airplane and ignore us as he came back up the
24 jetway with an airline representative in tow,
25 ignore us and mention something about calling

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2 his wife when part of our discussion earlier,
3 before he had gone down the jetway, before he,
4 I believe, boarded his plane, was I want to
5 call my wife and I said that's not necessary.

6 Q. Now, did you hear him on that
7 occasion when he said he had just called his
8 wife and said that he wanted to give the wife
9 money? Did you hear him say that?

10 A. I don't know whether it was after
11 the fact or at that time I heard that. I
12 believe -- I think he said something to that
13 effect. I think this was his justification for
14 calling her.

15 Q. You don't recall at what point in
16 time he said he had to give the wife money; do
17 you?

18 A. Based on my report and reviewing my
19 report, I saw that he had said that and that I
20 recorded it in my report.

21 Q. When did you review your report,
22 when was the last time that you reviewed your
23 report?

24 A. Yesterday.

25 Q. When you say your report, are you

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2 talking of the report that you gave to Herbert
3 Herter?

4 A. That report in addition to the
5 unsworn declaration. I don't remember the date
6 of the unsworn declaration.

7 Q. The unsworn declaration, you gave
8 that in connection with an investigation of Ms.
9 --

10 A. I don't know what it pertained to.

11 Q. How did you come to provide that
12 unsworn declaration?

13 A. I was contacted telephonically by
14 someone asking about the events. I spoke to my
15 superiors who told me to disclose whatever
16 information they were asking for.

17 Q. The person that contacted you, was
18 it male or female?

19 A. My recollection was she was a
20 female.

21 Q. Was all the contact you had with
22 this female by telephone contact or was there a
23 time that you ever appeared for an in person
24 interview before this female?

25 A. I never met with anybody.

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2 Q. And did you get a chance to review
3 the unsworn declaration that you talked about?

4 A. I did, and I just want to add that
5 not only did I speak to her on the phone but I
6 think I e-mailed or faxed her documents that
7 pertained to the interview. Yes, I did have a
8 contact with her. She provided me a document
9 that represented our telephone interview and I
10 made changes as I saw fit that accurately
11 depicted our conversation that was different
12 than what she represented.

13 Q. After you made those changes, did
14 you sign the document?

15 A. Yes.

16 Q. You made changes to what you
17 thought did not quite reflect what you had said
18 during the telephone conversation?

19 A. I knew that I didn't say certain
20 things in a certain order at that time because
21 there was a much closer time period. We are
22 talking about things that happened two years
23 ago if I recalled hearing something. My
24 recollection is a little bit shadier now, but
25 at the time the events happened, between a

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2 couple of weeks and months, it was very fresh
3 in my mind. I recall when I got the written
4 version of our conversation that it wasn't
5 representative of our conversation.

6 Q. The report that you provided to
7 Herter, did that predate the unsworn
8 declaration? Did the report that you gave to
9 Herter come before or after the unsworn
10 declaration?

11 A. I am not sure. I know that the
12 report that went up through my chain of command
13 would be DCO Herter preceded the -- the report
14 to DCO Herter preceded the amended unsworn
15 declaration. If I recall correctly, the report
16 to my superiors, the four page document versus
17 13-page account which I believe is in
18 possession of both sides here, that was done
19 after the report went through the chain of
20 command.

21 Q. Just to go back to everything that
22 happened during this second encounter, can you
23 tell us everything you remember about this
24 second encounter?

25 MR. CLOPPER: Other than what he

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2 already said? Asked and answered.

3 A. I am unclear as to how detailed.

4 Q. As detailed as you could possibly
5 be, everything that you recall about this
6 second encounter in the chronology you remember
7 it happening?

8 A. Pertaining to my encounter with
9 Seweje?

10 Q. The second time after he came up
11 and said he had just called the wife. From
12 that point on, could you tell us what happened,
13 what he said, what you said, anything else that
14 you remember?

15 A. I can describe what I -- as far as
16 people? Are you asking me who else came to the
17 jetway area?

18 Q. What else you witnessed during this
19 or if you said something to him, what did you
20 say to him? When he said something to you,
21 what did you say to him?

22 A. I believe he eventually ignored our
23 questioning from the time he came up the
24 jetway. I believe he said he called his wife.
25 And Officer Long and I and the Air France

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2 representative, amongst ourselves were trying
3 to figure out what the situation was. At that
4 time I don't -- I can't put a time to it,
5 whether it was 30 second or three minutes
6 later. From what I will describe as the
7 terminal area, I saw a CBPO, another CBPO
8 approaching and she was, you know, saying
9 something like, as she came into earshot, she
10 was saying, like, that's my husband, that's my
11 husband and she was waving her arm and saying
12 that's her husband. At that time, as she
13 approached, she walked up to Officer Long and
14 gave her a one sided hug. Meaning she hugged
15 Officer Long and Officer Long didn't move. It
16 wasn't reciprocal and she looked uncomfortable.
17 And the Air France rep and I, and again, this
18 is what I witnessed, looked at each other in
19 shock and awe. Then Mr. Seweje said something
20 about, like, giving his wife money and
21 meanwhile, at the time, I didn't know who the
22 CBPO was. I know now it is Ms. Akinyemi. She
23 said this is my husband and we were like great,
24 okay, congratulations. And this had created
25 eventually a stir because in coming up the

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1
2 jetway, him ignoring us, we were trailing
3 Mr. Seweje and the Air France rep, there were
4 other passengers around. And there was the
5 spec of a uniformed officer walking down and
6 yelling as she approached, distances I don't
7 know, that's my husband, that's my husband.
8 Waving her arms and then hugging an officer.
9 Mr. Seweje, I believe, took out a wallet or a
10 money clip and in a highly theatrical way,
11 which I can only describe as -- this is my
12 recollection, like pulling it out of his wallet
13 in slow motion and taking out bills and
14 snapping them as though you are displaying it.
15 I don't know whether he stuffed it in her front
16 lapel pocket or handed it to her and she said,
17 you know, thank you, honey, or something and he
18 said this is my wife. And again, my
19 recollection is there wasn't much dialogue
20 between myself, Officer Long and the Air France
21 representative because we were so baffled as to
22 this whole exchange. At which point, you know,
23 the Air France rep may have said, sir, we need
24 to board you on the plane and Mr. Seweje and
25 Officer Akinyemi did a very public display of

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2 affection that was, in my opinion,
3 inappropriate for the circumstances. It was a
4 very public display of affection. It was a
5 kiss, a very visible kiss. I don't know how
6 much detail you want me to get into.

7 Q. As detailed as you can possibly be.

8 A. Tongues were exchanged in a visible
9 way. It was not a peck on the cheek, it wasn't
10 a kiss on the mouth. It was a French kiss for
11 lack of a better description. Lasting more
12 than just a second. I think I turned away out
13 of embarrassment. And they parted and Officer
14 Akinyemi walked backup to the T.S.A. checkpoint
15 area and Mr. Seweje walked down towards the
16 plane and I was speechless. I looked at
17 Officer Long and she looked at me and I think
18 we said something like we need to get out of
19 here now based on what we just witnessed. That
20 is what I witnessed, I believe, in full.

21 Q. At the time of this exchange of
22 tongues, how close were you to them?

23 A. I would say as far as you are to
24 them.

25 Q. That would be about six feet, no

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2 more than six feet?

3 A. That's accurate.

4 Q. How close was Ms. Long?

5 A. I would approximate her at the same
6 distance.

7 Q. And in terms of Ms. Long, how close
8 were you to Ms. Long when this exchange of
9 tongues took place?

10 A. Probably as close to Mr. Clopper as
11 I was to Officer Long.

12 Q. That would be about maybe a foot,
13 foot an a half?

14 A. That's fair to say.

15 Q. And when this exchange of tongues
16 took place, were you looking directly at both
17 Ms. Akinyemi and Mr. Seweje?

18 A. Initially, yes.

19 Q. And was Ms. Long also faced towards
20 them at the time that you were facing them
21 during this exchange of tongues?

22 A. Yes, because we were talking to
23 them as four or five people would talk. We
24 were facing each other in close quarters. They
25 had talked to themselves. She had addressed

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2 both Officer Long and I. They had addressed
3 each other. Officer Long and I may have
4 addressed each other. We were all pretty much
5 facing each other.

6 Q. At the very moment of this exchange
7 of tongues, was anyone between Ms. Akinyemi and
8 Mr. Seweje and you and Ms. Long? Was there
9 anyone standing in between you?

10 A. No, we had a clear line of sight.

11 Q. Throughout your encounter with
12 Mr. Seweje, did he ever tell you that he had
13 been bereaved and was traveling to Nigeria
14 because he had lost his father and was
15 traveling to Nigeria?

16 A. I don't recall that ever being
17 disclosed to me.

18 Q. Did Ms. Akinyemi, at any point when
19 she came to the scene, say that she was seeing
20 off the husband that was traveling because he
21 had lost his father?

22 A. No, I don't recall that ever being
23 disclosed to myself or Officer Long. This was
24 a very positive interaction from the initial
25 interview to the end. There was no, as I

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2 recall, talk of death or mourning or anything
3 to that effect.

4 Q. After Ms. Akinyemi left the scene
5 and Mr. Seweje boarded the aircraft, did there
6 come a time that you got back to your office?

7 A. Yes.

8 Q. And did you speak to anyone at the
9 office concerning what had transpired earlier
10 or at the gate area?

11 A. Are you asking me if I discussed
12 with someone the interview with Mr. Seweje?

13 Q. Correct.

14 A. Yes.

15 Q. Who was it that you discussed it
16 with?

17 A. Officer Long.

18 Q. And other than Officer Long, anyone
19 else?

20 A. At the time, no. When we got back
21 to the office?

22 Q. Yes.

23 A. After witnessing what we witnessed
24 and the drive from the gate where we were, we
25 discussed many things. Many things about the

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2 evening, the different individuals we
3 encountered but primarily we were discussing
4 the interaction between Mr. Seweje and CBPO
5 Akinyemi and how there were several different
6 factors that drew suspicion and embarrassment
7 to us and to the agency and things that were
8 strange to us and I will defer to you here,
9 John, as far as what else I can disclose,
10 indicators that something was not quite right.

11 Q. As you sit here today, do you know
12 whether anything was not right with Mr. Seweje?

13 MR. CLOPPER: Objection. Vague and
14 ambiguous.

15 A. The question was to this day am I
16 aware of anything being not right with
17 Mr. Seweje?

18 Q. Correct.

19 A. No.

20 Q. Now, when you said you witnessed
21 Mr. Seweje give money to Ms. Akinyemi in the
22 you described as a theatrical manner, did you
23 observe the denomination of the currency that
24 was given?

25 A. I believe so, yes.

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2 Q. What did you see?

3 A. I thought there were \$50 bills.

4 Q. How many \$50 bills did you see?

5 A. My recollection is two.

6 Q. At the time, you had testified you
7 said something like, and when correct me if I
8 am wrong, when Ms. Akinyemi was coming towards
9 Mr. Seweje she was yelling that's my husband,
10 that's my husband, meaning she said it more
11 than once; is that fair?

12 A. That's what I recall, yes.

13 Q. You recall that she was yelling?

14 MR. CLOPPER: Objection, asked and
15 answered.

16 A. That's what I recall.

17 Q. And I believe you testified to
18 something like, you used the word
19 congratulations. Do you remember this
20 testimony? You said something like
21 congratulations. Did you say that earlier
22 during this testimony?

23 A. Did I use the word congratulations?

24 MR. OKOLI: Could you please go
25 back?

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2 (Whereupon, the referred to
3 testimony was read back by the
4 Reporter.)

5 Q. What was the reason that you said
6 great, congratulations to her, saying that her
7 seeing that Mr. Seweje was her husband?

8 MR. CLOPPER: Objection,
9 argumentative.

10 A. I don't know whether I said great,
11 congratulations. I know that I said nothing
12 along those lines. Okay, congratulations. The
13 whole question was so bizarre that I eventually
14 was at loss for words and may have said
15 something to the effect of okay, great,
16 congratulations. I pretty much followed suit.
17 We have a fallback of something that's said.

18 Q. At the time, did you believe Ms.
19 Akinyemi that Mr. Seweje was the husband?

20 A. I had my doubts that he was not.
21 You are asking my opinion?

22 Q. I am asking at the time, I am not
23 talking about after the fact. At the time that
24 Ms. Akinyemi said this is my husband, did you
25 believe that Mr. Seweje was Ms. Akinyemi's

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2 husband or did you have your doubts?

3 A. Belief and doubts, that's all. I
4 can't answer that question whether I believed
5 or had my doubts. It's really the same thing.

6 Q. At the time that Ms. Akinyemi said
7 that Mr. Seweje was the husband and you said
8 congratulations and whatever else you said, did
9 you believe that Mr. Seweje was Ms. Akinyemi's
10 husband?

11 A. No.

12 Q. You cannot believe then that Ms.
13 Akinyemi told the truth when she said that
14 Mr. Seweje was her husband?

15 A. I don't want to argue semantics.
16 Belief is a very strong word. I had my, as you
17 say, picks that I didn't think or believe,
18 which is a softer way of saying it.

19 Q. You thought she was lying?

20 A. I am not saying she was lying. I
21 said I had my doubts that they were married.

22 Q. And what caused you to have the
23 doubts that they were married in spite of the
24 affirmative statement of Miss Akinyemi that
25 they were?

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2 MR. CLOPPER: Objection, hold on a
3 second. Let's go out for a second, real
4 quick.

5 (Whereupon, a brief recess was
6 taken.)

7 MR. CLOPPER: I will allow the
8 witness to go ahead and answer.

9 MR. OKOLI: I hope the record
10 reflects that whenever we had those
11 questions we had a break.

12 MR. CLOPPER: To consult regarding
13 the law enforcement privilege.

14 THE WITNESS: Could you repeat the
15 question?

16 (Whereupon, the referred to
17 question was read back by the Reporter.)

18 MR. CLOPPER: I will allow the
19 Witness to answer. I hope it was
20 recorded on the record that my objection
21 was based on law enforcement privilege.

22 A. I suspected that they were not a
23 married couple based on the fact of the
24 previous conversation we had since the initial
25 encounter including, but not limited to, that

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2 he was unable to articulate who she worked for.

3 He never told us the name of the agency. He

4 only described very vaguely what she did.

5 During the course of the exam, he was evasive

6 and based on our training and experience,

7 certain behaviors that were unfolding before

8 our eyes led to these suspicions.

9 Q. When you said he was evasive, was
10 it anything other than what you have testified
11 to at this point?

12 A. This afternoon I testified to the
13 fact that he --

14 Q. My question is very simple. When
15 you used the word evasive, is it something
16 other than what you have testified to at this
17 deposition?

18 A. I am restating so I can formulate
19 an answer, sir.

20 Based on what he said, being
21 evasive, I don't recall him being evasive other
22 than instead of answering my questions, him
23 giving statements such as my wife works for
24 you. But I don't remember exactly every
25 question that was asked and every question that

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2 was answered verbatim.

3 Q. Do you recall the questions to
4 which he was evasive, any of the questions that
5 you asked that he did not answer, that he was
6 avoiding?

7 MR. CLOPPER: Objection, asked and
8 answered.

9 A. From prior to him boarding the jet
10 area where his wife worked to walking past us
11 after he had already gone down the jetway where
12 you can only get on an airplane and coming back
13 up, avoiding eye contact and ignoring our
14 questions, those were the instances where I
15 feel he was evasive in answering our questions.
16 And at this point in time, that's all I can
17 recall.

18 Q. Did you make a report of this
19 incident to Herbert Herter?

20 A. Which incident, sir?

21 Q. Your encounter with Seweje?

22 A. Initially, we informed him verbally
23 due to the fact that it was a highly unorthodox
24 evening and encounter even for my job, where we
25 see a lot of strange things. This ranked up

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2 with being very out of the ordinary and
3 strange. I am talking about the overall
4 circumstances. And we told him we felt
5 obligated to inform him of what we had
6 witnessed based on certain things, also
7 including observations made that we haven't
8 discussed during this deposition.

9 Q. What other observations did you
10 make that you haven't discussed at this
11 deposition that caused you to make this report
12 to Herter?

13 A. When I saw Officer Akinyemi come
14 down from the terminal area, she was wearing
15 her uniform. However, uniform means it is
16 uniform and she was out of uniform. For
17 example, her duty belt was not on, she was
18 carrying a firearm, however it was in an off
19 duty holster. She didn't have any extra
20 magazines, she didn't have an intermediate
21 force weapon. She didn't have handcuffs on.
22 The handgun was positioned in such a way that
23 was tactically unsound and she -- I also
24 noticed that she didn't have a displayed -- and
25 I don't know if I could disclose this having to

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2 do with what identification is required to be
3 in certain areas.

4 MR. CLOPPER: Tell me what it is.

5 (Whereupon the witness whispered in
6 the attorney's ear.)

7 A. What I observed on Officer
8 Akinyemi's uniform was a Raymond Boulevard
9 identification that allows you answer to
10 Raymond Boulevard, which is not located at
11 Newark International Airport. What I also know
12 is that in order for CBPO or any employee to
13 freely walk into any terminal is to display an
14 A.O.A. badge. It's special because the A.O.A.
15 badge, which is issued by the Port Authority,
16 allow you entrance to different locations.
17 This is a snap shot of what I observed as she
18 approached and the ensuing encounter with the
19 kiss and money exchange and introductions, from
20 all that, combined with the previous
21 discussion, after the fact increased suspicions
22 that I felt initially.

23 Q. Just to take you back to that, from
24 the time that Akinyemi arrived at the scene to
25 when she left, other than saying this is my

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2 husband more than once, is there anything else
3 that she said at that time that you recall?

4 A. I don't remember who said it or who
5 I heard it from. I thought it was something to
6 the extent he was giving her money or he told
7 me that or the Air France rep told me that.

8 Q. You don't remember who told you
9 that Seweje was giving money to Akinyemi; is
10 that what are you saying?

11 A. I believe I heard or I thought I
12 heard Ms. Akinyemi said he has money for me or
13 something to that effect.

14 Q. At what point did you hear this?

15 A. When we were talking amongst
16 ourselves, going back to the description when
17 you asked about distance, where Mr. Akinyemi
18 and Seweje were standing in relation to Officer
19 Long and myself. It was six feet and two feet
20 and a foot and a half.

21 Q. At the time that you observed Ms.
22 Akinyemi give Officer Long a half hug, did you
23 hear her say anything?

24 A. I believe she made the statement I
25 know you.

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2 Q. And did you hear Officer Long say
3 anything in response?

4 A. Yes.

5 Q. What did she say?

6 A. She said I know you, just like
7 that, with her tone being I know you. What was
8 said and what was said in body language versus
9 verbal language is very different.

10 Q. We can't take body language. We
11 are talking about things that were verbalized.

12 A. You asked what I observed.

13 Q. I asked you what was said?

14 A. What was said is, I know you.

15 Q. After you reported, you made a
16 verbal report of this to Officer Herter, what,
17 if anything, did Mr. Herter tell you?

18 A. D.C.O. Herter instructed me to
19 determine who, in fact, we were talking about
20 because when he asked who did you see, I said I
21 don't know. I think I have seen her around. I
22 don't know exactly her name and I don't know
23 whether I mentioned this or not, but Mr. Seweje
24 has a different surname than Mr. Akinyemi which
25 was another contributing factor to disbelief

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2 there was a relation there. There were no
3 supports by the name of Seweje. He had asked
4 me to find out, first of all, the identify of
5 who we were talking about. Also to find out
6 whether that person was working in the airport.

7 Q. Were you asked to conduct any
8 inquiries on Mr. Seweje?

9 A. Yes.

10 Q. Was that to determine his
11 immigration status?

12 A. Yes, amongst other things.

13 Q. Was it to determine his marital
14 status?

15 MR. CLOPPER: Go ahead and tell me.

16 (Whereupon, the witness whispered
17 in his attorney's ear.)

18 MR. CLOPPER: I think the witness,
19 based on my conversation with him, was
20 talking about potential application of
21 law enforcement privilege. If you read
22 back the question, I think the witness
23 will be able to answer it provided the
24 Witness does not divulge particular
25 techniques of law enforcement.

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2 Q. I am asking you, were you asked to
3 determine his marital status? That has nothing
4 to do with any techniques. I am not asking you
5 how you determine it but were you asked to
6 determine his marital status?

7 A. I was asked to attempt to determine
8 his marital status.

9 Q. Was that because you did not
10 believe that Seweje and Akinyemi were married?

11 A. Based on my explanation of the
12 circumstances. I can't speak for D.C.O.
13 Herter.

14 Q. You took a look at his passport;
15 correct?

16 A. Yes.

17 Q. Was that for the purpose of
18 investigating his immigration status?

19 A. Whether he was still in status.

20 Q. I see.

21 Let me place before you what was
22 marked as Plaintiff's Exhibit 3 at a deposition
23 on October 25th, 2007. I will ask you to take
24 a look at it and tell me if you recognize what
25 that document is?

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2 A. This document appears to be the
3 internal memo that I forwarded to my superior
4 officer after this occasion.

5 Q. It appears to be or it is a copy of
6 it?

7 MR. CLOPPER: Objection,
8 argumentative.

9 A. This appears to be the photocopy of
10 the document that I provided to my chain of
11 command.

12 Q. On the first page there is an
13 initial; do you know whose initials that is?

14 A. It appears to be my handwriting.

15 Q. And could you turn to the second
16 page? Do you see another initial there?

17 A. I do.

18 Q. And whose initial is that?

19 A. It would appear to be G.J.

20 Q. Who's initial is that?

21 A. It would be Greg Jurczak.

22 Q. Do you recall whether you signed
23 the document that you forwarded to your
24 superiors?

25 A. I do.

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2 Q. I ask you again, the initials you
3 are looking at in the document before you, did
4 you write in that initial?

5 MR. CLOPPER: Go ahead and answer
6 to the best of your ability.

7 A. This appears to be my initials on
8 every page of the document.

9 Q. Could you turn to the last page?
10 Do you see a signature there.

11 A. I do.

12 Q. Do you know whose signature that
13 is?

14 A. That would be appear to be my
15 signature.

16 Q. Now, do you see dates written in
17 hand next to the signature? That's December,
18 whatever it is, 12th? Can you read out that
19 date?

20 A. 12/13/05.

21 Q. Did you write in that date?

22 A. That appears to be my handwriting.

23 Q. Does that date appear on all the
24 other pages of the document?

25 A. It does.

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2 Q. Are those dates on the other pages
3 of the document in your hand writing?

4 A. They appear to be my handwriting,
5 yes.

6 Q. The exhibit that's before you is
7 the first documented account of what occurred
8 on December 5th in connection with this case?

9 A. Would you define documented as in
10 written documentation or verbal documentation?

11 Q. Written. Is that the first time
12 that you created a document concerning this
13 incident?

14 MR. CLOPPER: Do you need to speak
15 to me about it?

16 A. As far as I recall, this is the
17 first comprehensive document written.

18 Q. Is there any other written document
19 that is comprehensive relating to the incident?

20 A. Aside from --

21 Q. From what you are looking at?

22 A. I don't understand your question.

23 Q. The first comprehensive document.

24 My question is, whether it is
25 comprehensive or not. Something that is

1 G. J. JURCZAK

2 written against something that is verbal, that
3 was created by you in connection with this
4 incident. That's what my question is. Very
5 simple.

6 A. I don't know whether I used notes
7 to create this document or other documents.

8 Q. You are familiar with the contents
9 of this report? It is my privilege to ask the
10 question.

11 A. This is an account of several days
12 and was a collection at different times and
13 different dates of information and eventually,
14 facts put together in chronological order and
15 forwarded to my commanding officer.

16 Q. Did you make any written notes
17 between December the 5th and December the 13th
18 in connection with any of the incidents that
19 are documented in the exhibit before you?

20 MR. CLOPPER: Objection, asked and
21 answered. He said he didn't know.

22 Q. You don't know if you made any
23 notes?

24 A. I don't recall.

25 Q. Typically, would you make notes in

1 G. J. JURCZAK

2 connection with incidents like this?

3 A. As I mentioned to you before, this
4 was extraordinary and wasn't commonplace. And
5 something like this, I would only be
6 speculating as to whether I kept notes. To put
7 together a comprehensive report like this, I
8 would probably have notes at the time with
9 names and dates and times of people I spoke
10 with, and then put it into one report.

11 Q. If you made these notes, where
12 would you have them now?

13 A. I wouldn't.

14 Q. Would you have destroyed the notes?

15 A. Most likely, yes.

16 Q. In any event, I ask you to make a
17 search of your records and if you find notes
18 that you prepared in connection with this, to
19 provide me with those notes?

20 MR. CLOPPER: Counsel, there are
21 couple different ways you can do it.
22 You could propound a discovery request
23 to the defendant in this case or if you
24 felt that you were entitled to, you
25 could Subpoena Officer or Agent Jurczak

1 G. J. JURCZAK

2 himself. Your choice.

3 MR. OKOLI: Subpoena him? What do
4 you mean? He is here at the deposition
5 and he testified he is not sure whether
6 he has them or not.

7 MR. CLOPPER: I am simply pointing
8 it out if you have a discovery request
9 you should direct it to the defendant
10 and not the agent.

11 MR. OKOLI: No, because I will
12 still ask him to make a search for it
13 and then if he finds it, to then hand it
14 over to counsel who then hands it over
15 to me.

16 MR. CLOPPER: The Witness has
17 nothing to say as to what he will or
18 will not do.

19 MR. OKOLI: There are ways if you
20 want to go this way. I am now putting
21 my request on the record, Mr. Clopper.
22 I am placing on the record that I will
23 not put it in writing. I am placing on
24 the deposition record right now whether
25 this particular witness has any

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2 documents, scraps, notes that he may
3 have relied upon in creating the exhibit
4 that's right before him. If you do find
5 that, provide me with copies of those.

6 MR. CLOPPER: You do recall that
7 during the deposition of your client the
8 government asked for certain documents.

9 MR. OKOLI: Listen, we are not at
10 my client's deposition, we are at this
11 person's deposition. I will not be
12 paying for this and you are making
13 statements that are totally irrelevant.
14 You raised it before the Judge yesterday
15 and we will address that.

16 MR. CLOPPER: Are you finished?

17 MR. OKOLI: I am not done.

18 MR. CLOPPER: Are you finished with
19 your statement? You will recall during
20 the deposition of your client I had
21 asked for certain documents. You
22 requested that the government put its
23 request in writing. The government has
24 done so on every occasion. We have
25 agreed to put these document requests in

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2 writing. I would ask that you continue
3 to extend me the same courtesy.

4 MR. OKOLI: I never agreed with
5 this. There was no blanket agreement
6 from me to you.

7 MR. CLOPPER: Ask your next
8 question.

9 MR. OKOLI: We can't do it this
10 way. What I am saying is that I never
11 agreed with you that in each and every
12 case that it has to be done a certain
13 way. There was some requests that you
14 made and I acceded to the request at
15 that time. I am making a different kind
16 of request here and I am putting on the
17 record what I extend to you by way of
18 courtesy. I say different things all
19 together. I am making a request the way
20 it could be made in a federal case or
21 any other case.

22 MR. CLOPPER: My witness has asked
23 to speak to me and I will go outside and
24 speak with him for a moment.

25 (Whereupon, a brief recess was

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2 taken.)

3 MR. OKOLI: Let's have this marked
4 for identification.

5 (Whereupon, the aforementioned
6 document was marked as Plaintiff's
7 Exhibit 2 for identification as of this
8 date by the Reporter.)

9 Q. I am placing before you what is
10 marked as Plaintiff's Exhibit 2 for
11 identification. Is that the unsworn
12 declaration that you testified to earlier in
13 your deposition today?

14 A. I don't recall testifying to this
15 earlier today but this does appear to be an
16 unsworn declaration.

17 Q. Did you mention some unsworn
18 declaration earlier during your testimony
19 today?

20 A. I did.

21 Q. Is that the unsworn declaration
22 that you mentioned earlier today?

23 A. This appears to the unsworn
24 declaration that I mentioned earlier today.

25 Q. The document has initials that

1 G. J. JURCZAK

2 appear to be initials all over virtually every
3 page of the document; do you see those?

4 A. Yes.

5 Q. Are those your initials?

6 A. They appear to be my initials.

7 Q. And on the first page, the document
8 begins by saying "in accordance with the
9 following provisions of 28 U.S. C 1746, I,
10 Gregory J. Jurczak, the undersigned, do hereby
11 make the following unsworn declaration under
12 the penalty of perjury." Do you see that?

13 A. Yes.

14 Q. Did you read what I just read into
15 the record now before you made the corrections
16 that you made?

17 A. I did.

18 Q. And is your signature the signature
19 on the last page of that document that appears
20 to be page 093?

21 A. That appears to be my signature.

22 Q. The document says it was executed
23 on March 25th, 2006?

24 A. Yes.

25 Q. Do you have any reason to believe

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2 that it was executed on a date other than March
3 25th, 2006?

4 A. I need to ask you a question to
5 clarify that. I didn't finish this in one
6 sitting. So I completed it and signed it in
7 full and delivered it. However, it was
8 received, wherever it was going, on March 25th,
9 2006.

10 Q. And just to quickly go back to
11 Exhibit 3 of the deposition of 10/25/07, if you
12 take a look at Exhibit 3 you will see the
13 places where specifically, I think the last
14 full paragraph, it has wife in quotes. Do you
15 see wife in quotes?

16 A. Yes.

17 Q. If you look elsewhere you will see
18 wife in quotes as well. Take your time to
19 review the document if you need to.

20 A. You are asking me if I see wife in
21 quotes?

22 Q. Yes.

23 A. I take your word that I see wife in
24 quotes. I see it too.

25 Q. Is there any reason for wife being

1 G. J. JURCZAK

2 in quotes?

3 MR. CLOPPER: Objection,
4 argumentative.

5 A. At the time of this document being
6 produced, I had no conclusive information that
7 the two people here in this document were, in
8 fact, husband and wife.

9 Q. As you sit here today, do you know
10 whether they are husband and wife?

11 A. I have no idea.

12 Q. When you prepared Plaintiff's
13 Exhibit 3 at the deposition of 10/25/07, did
14 you state exactly what you had done or
15 witnessed in that document?

16 A. Is this reflective of what happened
17 on the day in question, the 5th of December
18 2005?

19 Q. Yes, from what you observed or your
20 own perspective?

21 A. From what I recall, yes.

22 Q. When you executed Plaintiff's
23 Exhibit 2 at today's deposition, the
24 corrections that you made, do those reflect
25 what you actually told the officer who had

1 G. J. JURCZAK

2 interviewed you?

3 A. Including my corrections?

4 Q. Correct.

5 A. As far as I can recall, yes.

6 Q. During the time that you were a CBP
7 officer, did you ever observe any CBP officer
8 going to a restricted area at any time that
9 they did not get permission to go to a
10 restricted area?

11 A. Not that I recall.

12 Q. Had you ever seen any CBP officer,
13 after their tour of duty, go to receive or see
14 off relations at a gate area of an airport?

15 A. Did I see CBPOs after their tour of
16 duty see off people that were leaving the
17 airport?

18 Q. Yes. After their tour of duty, see
19 off people that are leaving the airport when
20 they were not assigned to that area?

21 A. I don't recall personally ever
22 witnessing that.

23 Q. During the time that you worked for
24 customs and border protection, were you ever
25 aware of any CBP officer who went to not just

1 G. J. JURCZAK

2 the gate area but to any restricted area at the
3 time that they were not supposed to be there?

4 A. I am not -- I don't think I can
5 answer in the context of your question.

6 MR. CLOPPER: I missed it too.

7 Maybe we could read back the question.

8 (Whereupon, the referred to
9 question was read back by the Reporter.)

10 Q. Let me rephrase the question.

11 Throughout the time that you worked
12 for the CBP, were you aware of any CBP officer
13 who without permission accessed a restricted
14 area?

15 A. Can you define accessed a
16 restricted area?

17 Q. Do you know what restricted areas
18 are at any airport?

19 A. Yes.

20 Q. Do you know what restricted areas
21 are?

22 A. In general terms, yes. But there
23 are policies in every airport I would imagine.

24 Q. My question is this, are you aware,
25 as you sit here today, of any CBP officer who

1 G. J. JURCZAK

2 went to a restricted area without permission?

3 A. I am still getting hung up on
4 restricted area.

5 Q. You don't know what restricted area
6 is?

7 A. Can you define what a restricted
8 area is to me and I will be able to answer your
9 question better I think.

10 Q. You should be able to tell me. You
11 were a CBP officer once?

12 A. Yes.

13 Q. Are there place that you could not
14 go unless you had permission?

15 A. That's still really -- I want to
16 answer your question but I will not give you
17 information if I don't have it. I would like
18 you to define what you mean by a secure area
19 because your definition of a secure area may be
20 very different from my definition of a secure
21 area.

22 Q. Based on your understanding of a
23 restricted area?

24 A. I don't think I can answer that
25 question based on the question.

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2 MR. CLOPPER: He is answering it
3 the best he can.

4 Q. I will move on. If the answer is
5 you can't answer the question, it is okay, I
6 will move on.

7 Have you ever heard of CBP officers
8 going to areas of the airport where they should
9 not be without permission?

10 A. I have heard of officer
11 indiscretions but specifically not in the terms
12 that you phrased that question. And I think
13 some of the things I have first-hand knowledge
14 of predate the creation of Customs and Border
15 Protection.

16 Q. Now, let me change it slightly.

17 Are you aware of any employees of
18 the U.S. Customs or any agency of the CBP going
19 to areas of an airport that they were not
20 permitted to go to?

21 MR. CLOPPER: Answer to the best of
22 your ability.

23 A. I am still hung up on areas they
24 are not supposed to go. There are certainly
25 protocols and procedures that are supposed to

1 G. J. JURCZAK

2 be followed. What I am remembering are
3 instances where people -- there were gray
4 areas. That it wasn't definitive. I can only
5 assume you are asking me did people go in
6 uniform, off duty, to places representing that
7 they were working when they weren't. Is that a
8 fair statement back to you?

9 Q. Not necessarily representing that
10 they were working when they were not, but yes,
11 that they went with uniform but not telling
12 someone that I am working when I am not
13 working.

14 Let's start with that.

15 Do you have an answer if frame the
16 question that way?

17 A. I think so because I am trying to
18 make heads or tails of what you are actually
19 asking me.

20 Q. Based on your framing the question,
21 do you have an answer to that?

22 A. Could you read back the question as
23 he framed it?

24 (Whereupon, the referred to
25 question was read back by the Reporter.)

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2 A. I recall an incident when I worked
3 for INS where an officer showed up at work in
4 uniform and met his family and it turned out,
5 and this may be privileged information how I
6 found out about it was, he wasn't working that
7 day. However, he did it in clear sight of
8 supervisors and upper management but he was not
9 working that day or he wasn't on duty at that
10 time.

11 THE WITNESS: Can I just --
12 (Whereupon, the Witness whispered
13 in his attorney's ear.)

14 MR. CLOPPER: You don't need to
15 discuss that. Just answer the question
16 to the best of your ability about what
17 you heard or saw.

18 A. That's a situation that I recall
19 where someone did similar -- well, something to
20 the light of what we are discussing here today.

21 Q. Approximately how long, in terms of
22 how far removed, was this to December 2005 when
23 you observed this?

24 A. This was pre-creation of CBP which
25 happened -- I don't remember. I want to say

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2 2003. I couldn't give you a definitive answer.

3 Q. Without alluding to who this person
4 is, do you know whether this person is still
5 working?

6 A. I don't know if that person is
7 still working.

8 Q. Shortly after you observed this,
9 did you see this person still employed?

10 A. I didn't observe it. I heard about
11 it.

12 Q. You heard about it?

13 A. Yes.

14 Q. And other than this incident which
15 you heard about, which predated the creation of
16 CBP, since the creation of CBP, have you heard
17 of any other incident or of anybody other than,
18 of course, Ms. Akinyemi, who had accessed a
19 restricted area at an airport?

20 A. I am sorry. The restricted access
21 is throwing me every time you use it.

22 Q. Somebody that went to any place at
23 an airport that they did not have permission to
24 be at? I will define it.

25 If you are off duty, are you not

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2 permitted to be certain places? If you are off
3 duty, you couldn't just show up at the airport
4 for instance and go to where customs officers
5 would normally go?

6 A. Certainly you could.

7 Q. Without permission?

8 A. Are you saying calling ahead of
9 time and requesting permission to access an
10 area where you work?

11 Q. No, no. I said without permission.
12 If you were not permitted, if you were for
13 instance, in the situation where somebody is
14 posted to, let's say J.F.K. and they turn up at
15 Newark International Airport where they are not
16 assigned without any permission, wouldn't that
17 be accessing a restricted area if that was a
18 place that only customs officers could get to?

19 A. I don't have an answer for that. I
20 don't know what the rules and regulations for
21 people going to J.F.K. or to Newark conversely.
22 I could answer you but it would speculation. I
23 don't know what the formal rules are. There is
24 a form you can complete that you forward
25 through the chain of command. We are not

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2 talking in general terms. I can't answer the
3 question in general terms.

4 Q. If you fill out a form you are
5 asking for permission; aren't you?

6 A. Yes.

7 Q. I am talking about a person that
8 didn't fill out a form. My question is very
9 simple. That's why I keep saying without
10 permission.

11 If you go to your boss you are
12 asking for permission. If you just went on
13 your own, a person that did not get permission
14 and went to an area where they are not assigned
15 on duty, where they shouldn't be, since your
16 employment, have you ever heard of any such
17 situation?

18 A. Are you asking me if I heard of
19 things like that happening?

20 Q. Yes.

21 A. I heard rumors.

22 Q. And this is separate and apart from
23 Ms. Akinyemi's situation?

24 A. That's correct. I have heard
25 rumors. I want that clear.

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2 Q. Are you aware of anyone other than
3 Ms. Akinyemi who was terminated solely for
4 being in a restricted area of an airport?

5 A. I was not aware of Ms. Akinyemi
6 being fired because she was in a restricted
7 area until I got deposed for this deposition.
8 I don't keep tabs on who gets fired for what.
9 I know there is a high turnover rate within
10 CBPs and what they did --

11 Q. You don't know of anyone, to your
12 own knowledge, that was fired?

13 A. At this time I don't recall anyone
14 being fired for being in area that they were
15 not supposed to be. But then again, we never
16 defined what you mean by being in area you are
17 not supposed to be.

18 Q. Have you heard of anyone being
19 fired for being in a secure area or restricted
20 area or an area they are not supposed to be
21 without permission?

22 A. I don't think so.

23 MR. OKOLI: Thank you.

24 MR. CLOPPER: I have no questions
25 at this time.

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G. J. JURCZAK

(Whereupon, at 2:40 p.m., the
Examination of this Witness was
concluded.)



GREGORY JOHN JURCZAK

Subscribed and sworn to before me
this _____ day of _____, 20____.

NOTARY PUBLIC

1 G. J. JURCZAK
2 E X H I B I T S
3

4 PLAINTIFF'S EXHIBITS:
5

6	EXHIBIT	EXHIBIT	PAGE
7	NUMBER	DESCRIPTION	
8	1	Diagram	26
9	2	Unsworn declaration	109

10

11

12 I N D E X
13

14	EXAMINATION BY	PAGE
15	MR. OKOLI	3

16

17

18	INFORMATION AND/OR DOCUMENTS REQUESTED	
19	INFORMATION AND/OR DOCUMENTS	PAGE

20	Signed copy of diagram	30
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21

22	Search for notes and provide them to	
23	attorney	105

24

25	Provide documents, scraps and notes	107
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2 QUESTIONS MARKED FOR RULINGS

3 PAGE LINE Question

4 33 13 If it was being pulled or
5 driven by and you were here
6 (indicating), where would it be
7 in relation to the seats of
8 those passengers?

9
10 34 13 Can you please honor me and
11 mark on this diagram what you
12 just testified to, a cart that
13 could theoretically obstruct
14 your view? Could you please
15 mark that on Plaintiff's
16 Exhibit 1?

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G. J. JURCZAK

C E R T I F I C A T E

STATE OF NEW YORK)
COUNTY OF KINGS) : SS.:

I, ROBERT GONZALEZ, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such examination is a true record of the
testimony given by that witness.

I further certify that I am not related
to any of the parties to this action by blood
or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 6th day of November, 2007.


ROBERT GONZALEZ

Diamond Reporting, Inc.

Plaintiff(s):

Defendant(s):

[illegible]